

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TED A. LEWIS SR.,

Defendant.

4:11CR3084

ORDER

Defendant was afforded an opportunity for a hearing but agreed to be detained at this time without a hearing. Defendant has therefore failed to meet the burden of showing, by clear and convincing evidence pursuant to 18 U.S.C. § 3143 (a) and Fed. R. Crim. P. Rule 32.1(a)(6) that Defendant will appear at court proceedings and will not pose a danger to the safety of any person or the community if released. The Court's findings are based on the allegations within the Petition.

However, Defendant has already obtained a treatment evaluation, and he has been accepted into a treatment program at St. Francis in Grand Island, Nebraska with a commencement date of April 3, 2019. The government does not oppose Defendant's release to treatment when a bed is available at that facility. The court finds release to residential treatment sufficiently ameliorates the risks posed by Defendant's release.

Accordingly,

IT IS ORDERED:

- 1) The above-named defendant shall be detained at this time, and he is committed to the custody of the Attorney General for confinement in a corrections facility. Defendant shall be afforded reasonable

opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver Defendant to a United States Marshal for appearance in connection with a court proceeding.

- 2) On April 3, 2019, the defendant shall be released to reside at St. Francis in Grand Island, Nebraska and participate in that facility's substance abuse treatment program. The defendant shall fully comply with the requirements of defendant's treatment plan and all rules of the St. Francis facility. If the defendant is discharged from the facility for any reason whatsoever, or leaves the premises of the facility without authorization, Defendant shall promptly report to the supervising officer or to any law enforcement officer. In addition, irrespective of whether Defendant self-reports upon discharge or leaving the facility, the United States Marshal, and/or any law enforcement officer is hereby authorized and ordered to take the defendant into custody and detain the defendant pending a prompt hearing before the court.
- 3) While on release at St. Francis, Defendant shall comply with all terms and conditions of his supervised release which were imposed at sentencing.
- 4) The defendant shall arrive at St. Francis on April 3, 2019. Defense counsel shall communicate with the Marshal to arrange for Defendant's release to the Federal Public Defenders Office for transport to and timely arrival at St. Francis.

March 21, 2019.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge